

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

<b>M. ELIZABETH BRODERICK, et al.,</b>	§	
	§	
Plaintiffs,	§	
v.	§	Civil Action No. <b>3:08-CV-1075-L</b>
	§	
<b>WARDEN ELAINE CHAPMAN, et al.,</b>	§	
	§	
Defendants.	§	

**ORDER**

Before the court are the Findings, Conclusions and Recommendation of the United States Magistrate Judge (the “Report”), filed September 23, 2008. United States Magistrate Judge Paul D. Stickney recommends dismissing this action without prejudice, directing the clerk of the court to open new civil actions for each of the named Plaintiffs, and denying without prejudice all pending motions. Several Plaintiffs have filed objections to the Report. Also pending are several other motions: (1) Motion for Appointment of Counsel, filed June 25, 2008; (2) Request for Order to Show Cause and Temporary Restraining Order, filed June 25, 2008; (3) Emergency Order to Show Cause and TRO, filed July 11, 2008; (4) Notice and Motion to Clerk of Court to Process 11 Summons for Defendants, filed July 24, 2008; (5) a letter from Plaintiff Angela Marie Chavez stating that she does not wish to pursue this suit, filed July 31, 2008;<sup>1</sup> (6) Plaintiff’s Application for TRO/Preliminary Injunction under 18 U.S.C. § 3626(a)[B](ii)(iii), filed August 11, 2008; (7) Joinder of Plaintiffs, filed August 21, 2008; (8) Joinder of Plaintiffs, filed September 4, 2008; (9) Motion for Appointment of Counsel, filed September 29, 2008; and (10) Application to Proceed in Forma Pauperis, filed October 7, 2008.

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<sup>1</sup>This letter was docketed as “Motion to Dismiss Plaintiff From Suit” (doc. 23).

This is a purported class action brought by prisoners currently incarcerated in the Carswell Federal Medical Center in Forth Worth, Texas, alleging claims pursuant to 28 U.S.C. § 1983; the Lanham Act, 15 U.S.C. § 1051, *et seq.*; and the Foreign Sovereign Immunities Act, 28 U.S.C. § 1603. Plaintiff Broderick paid the \$350 filing fee on October 17, 2008. No other Plaintiff has paid any filing fee and only one Plaintiff, Maria Joanna Pimentel, has filed a motion to proceed in forma pauperis.

The magistrate judge, relying upon this court's decision in *Beaird v. Lappin*, No. 3:06-CV-0967-L, 2006 WL 2051034 (N.D. Tex. July 24, 2006), noted that there are several policy reasons to prevent prisoners from filing joint claims in a single complaint. In reviewing the complaint in this case, the magistrate judge found that it was impossible to determine which Plaintiff made what claims and against whom such claims were made. The magistrate judge noted that even if granted leave to proceed in forma pauperis, each Plaintiff would have to pay the \$350 filing fee pursuant to the Prison Litigation Reform Act of 1995 ("PLRA"). 28 U.S.C. § 1915(b).

Plaintiff M. Elizabeth Broderick filed objections to the Report on October 6, 2008. She contends that her objections are filed on behalf of all Plaintiffs. She appears to argue that she may act as a "private attorney general" in asserting these claims and that she has twice filed motions for the appointment of counsel. She also states that she has made arrangements to send the \$350 filing fee. She objects because the clerk of the court has not issued the summons she prepared for each Defendant.

The court **overrules** Broderick's objections. As it has previously held, a *pro se* litigant can represent only herself; Broderick cannot file objections on behalf of other Plaintiffs. Order (Oct.

17. 2008) 1 (citing Fed. R. Civ. P. 11(a)). Plaintiff's case is subject to screening pursuant to 28 U.S.C. § 1915A, and thus no summons have been issued.

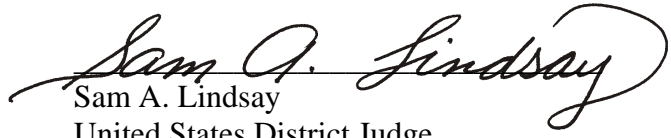
Plaintiff Maria Jo Anna Pimentel filed objections on October 7, 2008. She states that Plaintiffs are covered by the Lanham Act and the U.C.C. and that she has filed a motion to proceed in forma pauperis. The court **overrules** Pimentel's objections because they do not provide any basis for rejecting the Report.

Plaintiff Bivian Kathryn Brumley filed objections on October 10, 2008. Plaintiff Brumley's objections largely relate to the substantive claims of Plaintiffs and do not specifically address the magistrate judge's determination that as *pro se* prisoners, Plaintiffs' claims should not be joined. Accordingly, the court **overrules** Brumley's objections.

Having reviewed the pleadings, file and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions are **correct in part**, and are therefore **accepted in part**. Plaintiffs cannot assert their claims jointly or as a class action. Accordingly, the court **dismisses without prejudice** all claims brought by any Plaintiff except for Broderick. Because Broderick initially filed this action and has paid the filing fee, her claims may go forward. Broderick, however, is **directed** to file an amended pleading no later than **December 15, 2008** setting forth the claims that she brings on *her behalf*. Failure to file an amended pleading by this date will subject Plaintiff's action to dismissal for want of prosecution or failure to comply with a court order pursuant to Rule 41 of the Federal Rules of Civil Procedure. Every other Plaintiff must file his or her own individual complaint with the court and pay the filing fee of \$350. The court **rejects** the magistrate judge's recommendation that it dismiss the entire action without prejudice and direct the clerk of the court to open a case for each Plaintiff.

With respect to the pending motions filed by Plaintiffs other than Broderick, the court **denies as moot** Motion for Joinder of Parties filed by Lauren Olivia Tyler, filed August 21, 2008; **denies as moot** Amended Motion for Joinder of Parties filed by Charles Kenton Ford, filed September 4, 2008; **denies as moot** Motion for Leave to Proceed In Forma Pauperis filed by Maria Joanna Pimentel, filed October 7, 2008; and **denies as moot** Plaintiff Angela Marie Chavez's request to be dismissed. The court **denies without prejudice** the remaining motions: Motion for Appointment of Counsel, filed June 25, 2008; Request for Order to Show Cause and Temporary Restraining Order, filed June 25, 2008; Emergency Order to Show Cause and TRO, filed July 11, 2008; Notice and Motion to Clerk of Court to Process 11 Summons for Defendants, filed July 24, 2008; Plaintiff's Application for TRO/Preliminary Injunction under 18 U.S.C. § 3626(a)[B](ii)(iii), filed August 11, 2008; and Motion for Appointment of Counsel, filed September 29, 2008. Plaintiff Broderick may refile these motions only after she has filed an amended pleading consistent with this order.

**It is so ordered** this 14th day of November, 2008.

  
Sam A. Lindsay  
United States District Judge